HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17691 of 2007

Dated:21.08.2007

Between:

Karra Malla Reddy and others.

…Petitioners.

and

Government of Andhra Pradesh and another.

…Respondents.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17691 of 2007

ORDER:

Petitioners allege that they are the legal heirs of Karra Gopaiah, who was the pattadar of land comprised in survey Nos.37 to 762 situated at Peddapur Village of Venkatapur Mandal in Warangal District. The mother of the third petitioner - Amruthamma and petitioners 1 and 2 succeeded to the property. On an application made by them, the Mandal Revenue Officer issued a memo, dated 26.05.1997, mutating their names. Subsequently, they came to know that the lands in other survey numbers belonging to late Gopaiah are covered with rocks and bushes, and therefore, they approached the Revenue Divisional Officer, Mulug, to issue suitable directions to the concerned authorities to enquire into the matter, grant mutation and issue pattadar pass books in their favour. Though the said application was made on 21.05.2007, the Revenue Divisional Officer did not take any action and therefore, they filed instant Writ Petition.

No provision of law has been brought to the notice of this Court under which an obligation is cast on the Revenue Divisional Officer to take necessary action within a stipulated time. Even if there is any such time schedule, the same cannot be treated as mandatory. This aspect of the matter has been considered by this Court in **Mir Fazle Ali Nasiri v. State of A.P.**[1], wherein it was laid down at paragraph 10 as under.

> That being the legal position the time limit within which a statutory authority should act or due to act not being

> mandatory, it would be impermissible for this Court in every case to issue a direction as a matter of course to public authorities to dispose of application/appeal/revision, within a specified time. It can always be argued that, such a direction would amount to introducing a requirement in the statute, which the Legislature itself did not provide for. Therefore, this Court is of considered opinion that as and when such a writ petition is filed seeking a direction – seemingly innocuous – to dispose of the matter expeditiously, such a direction cannot ordinarily be given unless, of course, there is inordinate delay in discharging public duties which itself amount to arbitrariness.

Therefore, the Writ Petition cannot be accepted. Secondly, the competent authority for the purpose of granting mutation and issuing pattadar pass books is the Mandal Revenue Officer. No such application is made in a proper form as required under the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989. Therefore, no direction can be granted in this Writ Petition.

Hence, the Writ Petition is dismissed. No costs.

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(V.V.S.RAO, J)

21.08.2007
GJ

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[1] 2007 (2) ALD 3